

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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TELECOM BUSINESS SOLUTIONS, LLC, *et al.*,

Petitioners,

-against-

22-cv-1761 (LAK)

TERRA TOWERS CORP., *et al.*,

Respondents.
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ORDER

LEWIS A. KAPLAN, *District Judge.*

On April 22, 2025, this Court, among other things, found certain respondents and certain non-parties in civil contempt for failing to comply with the Court's judgments First and Third Partial Final Awards and imposed coercive sanctions. *Telecom Bus. Solutions, LLC v. Terra Towers Corp.*, 2025 WL 1194375 (S.D.N.Y. Apr. 22, 2025). Among the non-parties was Jorge Hernandez.

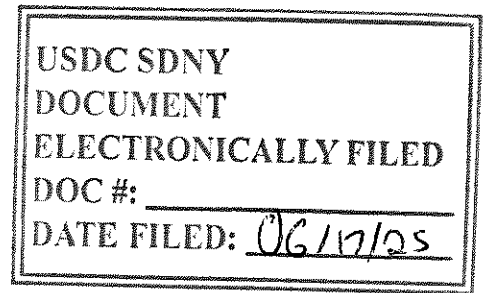
On May 8, 2025, Hernandez moved to quash service upon him of, among other things, the contempt motion, Dkt 302, which the on May 13, 2025 granted as to Hernandez. *Telecom Bus. Solutions, LLC v. Terra Towers Corp.*, 2025 WL 1677756 (S.D.N.Y. June 13, 2025). It stated that the contempt finding as to Hernandez and the coercive sanctions imposed upon him were vacated. *Id.* at *4-6.

It has come to the Court's attention that Hernandez on May 22, 2025, had filed a notice of appeal from the April 22 ruling¹ (Dkt 339), a fact that he did not mention in the reply memorandum he later filed in support of his motion to quash service of the contempt motion (Dkt 350). The filing of that notice of appeal arguably ousted this Court of jurisdiction to vacate the contempt finding as to Hernandez and the coercive sanctions imposed upon him.

This Court now indicates, pursuant to Fed. R. Civ. P. 62.1, that it would reach the same result as to the quashing of service indicated in its June 13, 2025, ruling were the Court of Appeals to (a) conclude that this Court lacked jurisdiction to grant that relief in view of the pendency

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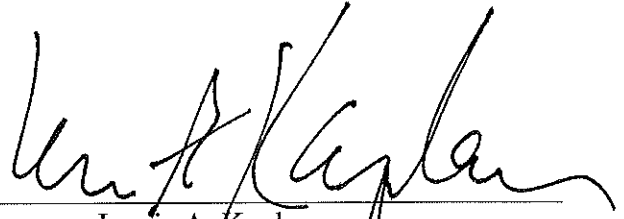
That appeal is No. 25-1338 in the Court of Appeals.



of the Hernandez appeal, and (b) remand to this Court for that purpose.

SO ORDERED.

Dated: June 17, 2025

A handwritten signature in black ink, appearing to read "L. A. Kaplan", written over a horizontal line.

Lewis A. Kaplan
United States District Judge